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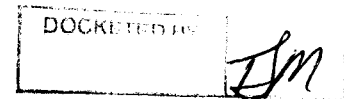
BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

DOCKETED

OCT 10 2012



COMMISSIONERS

GARY PIERCE - Chairman  
BOB STUMP  
SANDRA D. KENNEDY  
PAUL NEWMAN  
BRENDA BURNS

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AZ CORP COMMISSION  
DOCKET CONTROL

In the matter of:

DOCKET NO. S-20846A-12-0135

ARIZONA GOLD PROCESSING, LLC, an  
Arizona limited liability company,  
  
AZGO, LLC, an Arizona limited liability company;  
and  
  
CHARLES L. ROBERTSON, a married man,  
  
Respondents.

**FOURTH**  
**PROCEDURAL ORDER**  
**(Schedules Hearing and**  
**Oral Argument)**

**BY THE COMMISSION:**

On April 6, 2012, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Temporary Order to Cease and Desist ("T.O.") and a Notice of Opportunity for Hearing ("Notice") against Arizona Gold Processing, LLC ("AGP"), an Arizona limited liability company, AZGO, LLC ("AZGO"), an Arizona limited liability company, and Charles L. Robertson, a married man, (collectively "Respondents"), in which the Division alleged multiple violations of the Arizona Securities Act ("Act") in connection with the offer and sale of securities in the form of membership interests and/or investment contracts.

The Respondents were duly served with copies of the T.O. and Notice.

On April 29, 2012, Respondent Charles Robertson filed a request for a hearing in this matter on behalf of himself and as manager of AGP and AZGO.

On May 7, 2012, by Procedural Order, a pre-hearing conference was scheduled on May 30, 2012.

On May 30, 2012, at the pre-hearing conference, the Division and Respondents appeared through counsel. The Division and Respondents were to discuss the issues raised by the T.O. and Notice and were attempt to settle the proceeding. The Division requested that, in the interim, a

1 hearing be scheduled in the fall. Subsequently, by Procedural Order, a hearing was scheduled to  
2 commence on October 9, 2012.

3 On September 20, 2012, Respondents filed a Motion to Continue the hearing. Respondents  
4 stated that a key witness to their defense, Patrick Hayes, Ph.D., is scheduled to be in the Republic of  
5 China during most of the month of October 2012. Respondents stated that Dr. Hayes possesses  
6 unique and thorough knowledge to respond to the allegations which have been made by the Division.  
7 Respondents further stated that Dr. Hayes' testimony would be highly relevant to the issues raised by  
8 the Division.

9 On September 21, 2012, the Division filed a response to the Respondents' Motion to  
10 Continue. The Division argued that the proceeding should not be continued. The Division stated that  
11 the hearing should proceed as scheduled and that Dr. Hayes' testimony should be scheduled after the  
12 balance of the proceeding was concluded. The Division also filed a Motion to Allow Telephonic  
13 Testimony for five witnesses, all of whom reside outside of Arizona. Coincidentally, one of these  
14 five Division witnesses was also to be in China during the scheduled hearing, but the Division  
15 indicated he would be available to testify during the proceeding.

16 A review of the witness lists of the parties revealed that the Division had listed ten potential  
17 witnesses and Respondents had listed twelve witnesses. Based on the motions, it appeared that the  
18 proceeding would be fragmented at best and would not produce a coherent record upon which a  
19 sound decision could be reached. The Division's five telephonic witnesses alone create a logistical  
20 problem due to the time differences involved especially considering that one Division witness would  
21 be testifying from China with at least a fifteen-hour time difference. Additionally, due to the number  
22 of potential witnesses, it appeared that a longer hearing could be required.

23 On September 25, 2012, by Procedural Order, a continuance was granted, and a procedural  
24 conference scheduled in place of the hearing on October 9, 2012.

25 On October 2, 2012, Respondents filed a Motion *in Limine* to exclude certain evidence which  
26 is proposed to be offered by the Division at the hearing.

27 On October 9, 2012, the Division and Respondents appeared by counsel to discuss  
28

1 rescheduling the hearing. The parties agreed to a hearing being scheduled during the last week in  
2 February 2013. Respondents further requested that oral argument be heard on their Motion *in*  
3 *Limine*. Counsel for the Division indicated that the Division will be filing a response in opposition to  
4 the Motion *in Limine*.

5 Accordingly, the proceeding should be continued as agreed between the parties, and oral  
6 argument be scheduled on Respondent's Motion *in Limine*.

7 IT IS THEREFORE ORDERED that a **hearing** shall be held on **February 25, 2013, at 10:00**  
8 **a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix,  
9 Arizona.

10 IT IS FURTHER ORDERED that the parties shall set aside **February 26, 27, 28, and March**  
11 **1, 2013, for additional days of hearing**, if necessary.

12 IT IS FURTHER ORDERED that **oral argument** on Respondents' Motion *in Limine* shall be  
13 held on **November 6, 2012, at 11:00 a.m.**, at the Commission's offices, 1200 West Washington  
14 Street, Hearing Room No. 1, Phoenix, Arizona.

15 **IT IS FURTHER ORDERED that if the parties reach a resolution of the issues raised in**  
16 **the Notice prior to the hearing, the Division shall file a Motion to Vacate the proceeding.**

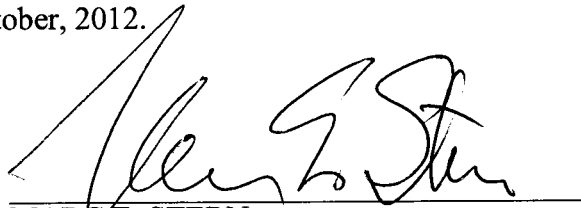
17 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
18 Communications) is in effect and shall remain in effect until the Commission's Decision in this  
19 matter is final and non-appealable.

20 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules  
21 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission  
22 *pro hac vice*.

23 IT IS FURTHER ORDERED that withdrawal or representation must be made in compliance  
24 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
25 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances  
26 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is  
27 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the  
28 Administrative Law Judge or the Commission.

1 IT IS FURTHER ORDERED that the Presiding Administrative Law Judge may rescind, alter,  
2 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by  
3 ruling at hearing.

4 DATED this 10th day of October, 2012.



MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered  
10 this 10th day of October, 2012 to:


11 Scott M. Theobald  
12 Mark A. Nickel  
13 THEOBALD LAW, PLC  
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16 Attorneys for Respondents

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23 Securities Division  
24 ARIZONA CORPORATION COMMISSION  
25 1300 West Washington Street  
26 Phoenix, AZ 85007

27 ARIZONA REPORTING SERVICE, INC.  
28 2200 North Central Avenue, Suite 502  
Phoenix, AZ 85004-1481

By:



Debra Broyles  
Secretary to Marc E. Stern